



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE — (419) 592-4010

February 28, 1983

Holmes Transmission Service
602 W. Riverview
Napoleon, OH 43545

Mayor
Robert G. Heft

Clerk-Treasurer
Rupert W. Schweinhagen

Members of Council
Darel Austermilller, President
James Jackson
William Young
Lawrence Haase
Darrell Fox
James Zumfelde

City Manager
Richard A. Hayward

Law Director
Keith P. Muehlfeld

Dear Mr. Holmes:

The City of Napoleon has received numerous complaints on the exterior condition of your lot, the odor omitted by a furnace or activity going on inside the building and noise coming from the building late at night.

I discussed this problem with you on February 21, 1982 and this letter is documentation of our discussion.

Under the Zoning Code of the City of Napoleon, the use of your building was a gas station, which is not a permitted use within a "B" Residential District. Because the station was existing at the time of the enactment of zoning within the City (1956) the station was a legal non-conforming use. This means that the service station as a station may continue but may not be expanded. The work "expanded" could be used in a number of different ways. In this case, you would have to look at the use at the time the Code went into effect. At that time, the use pumped gas and did minor repairs, such as tuneups, oil changes, changing tires and maybe the replacing of certain parts on the engine. I doubt if it consisted of breaking down engines, removing parts of the body and doing body work, spray painting, etc. These items would be considered expanding or expansion of the use.

One thing you have discontinued is pumping gas, which changed the use of the station drastically. You have gone into heavier auto repair. The exterior of the station is now cluttered with vehicles that are in some state of being repaired. There are auto and truck parts laying around the exterior of the property. Originally, you were a one-man operation, now you have other persons working within the building. These are all expansions of the use.

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With the type of business you're working into, you should seriously look for another location that auto repair would be a permitted use. You were a small business before, you are no longer the small business, you have become a nuisance to the district you're in and this can only lead to problems for you and your business.

If the amount of cars on the exterior was kept to a minimum of two or three, and all the exterior areas were kept clean of debris, there probably would not be as many complaints. If the complaints persist, that could mean the City would have to take action to have you closed down.

The electrical in that building is also bad and should be brought up to Code. The woodburning stove you have installed shall also be removed. This type of heater is prohibited within an automobile repair garage.

Your cooperation is appreciated in this matter.

Yours truly,

Richard G. Hayman
Building Commissioner

RGH:dd



VERNON W. HOLERS, Agent
Auto - Life - Health - Home and Business

506 N. Perry Street Napoleon, Ohio 43545
Phone: Off. 419-592-7016 or 592-0826 Res. 419-592-6526

February 5, 1983

Mr. Richard Heyman
Building Inspector
City of Napoleon
Napoleon, OH 43545

Dear Sir:

With further respect to the matter I discussed with you the other day, another neighbor has complained. She said she had to bring her children in because of the discharge from one of the stove pipes. She said it was bad. Also this neighbor thinks there is a type of painting being performed that emits bad odors, especially this summer.

Another complaint is that they can't see oncoming traffic when they want to drive away in their car.

Thank you for looking into this.

Sincerely,

Vernon W. Holers, Agent
State Farm Insurance Cos.

VWH/sd

cc

Union Service Co.

1864

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MEMORANDUM

TO: Richard A. Hayward, City Manager
FROM: Richard G. Hayman, Building Commissioner
SUBJECT: Holmes Transmission Business
DATE: February 18, 1982

On Friday, February 18 at 1:00 p.m. I inspected Holmes Garage at 602 W. Riverview. The condition of the interior of the building is in bad shape. The business is a legal non-conforming use within a "B" Residential District as a service station. The service station business closed a few years back and Thomas Holmes continued as a transmission repair shop. He also did tune-ups, oil changes, motor rebuilding, etc. Lately he has been doing body repair late at night. I have received complaints of noise and foul odors coming from the building. The following is a list of visible violations found during inspection:

1. Partitions for the office area have been removed (no permit).
2. Electrical receptical boxes have covers missing.
3. Switch boxes hanging by wires.
4. Pipe and receptical boxes hanging loose.
5. Using a portion of the garage for a spray booth.
6. Spray area not secured from rest of garage.
7. Two 50 gal. drum wood burning furnaces in spray area.
8. 50 gal. drum of used oil sitting within 4 ft. of drum wood burner (used to start fire).
9. Concrete block walls broken out and not finished.
10. No seal offs on any of the electrical facilities.
11. No safety equipment visible.

Owner states that he will discontinue the auto body portion of the business. Captain Fruchey says gas tanks still in ground. Vehicles setting around exterior are being repaired.

I have called Marathon for dates of service station closing.

RGH:dd